

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**RICHARD PORTER**

**PETITIONER**

**V.**

**CAUSE NO. 3:19-CV-500-CWR-FKB**

**CHERON Y. NASH**

**RESPONDENT**

**ORDER**

Before the Court are the Magistrate Judge’s Report and Recommendation (R&R), Docket No. 25, and petitioner Richard Porter’s objection to that R&R, Docket No. 26.

Porter presents an interesting argument: whether receiving Louisiana’s first-offender pardon rendered him eligible to lawfully possess a firearm, making his subsequent federal felon-in-possession conviction invalid under *Rehaif v. United States*, 139 S. Ct. 2191 (2019). *See also United States v. Viola*, 768 F. App’x 238 (5th Cir. 2019). Because the Court thinks that the answer to this question is, on this record, “no,” it adopts the R&R and dismisses this petition.

There are at least two potential problems with accepting Porter’s premise. First, the PSR shows that Porter did not satisfactorily complete the terms of Louisiana Constitution article I, § 20 and the first-offender pardon, in that his parole was revoked. *See* Docket No. 13-2 at 4. Second, even assuming that the Louisiana Division of Probation and Parole’s certificate fully restored Porter’s rights after his armed robbery convictions, *see* Docket No. 26 at 8, he does not then contend that the state government restored his rights again after his next felony conviction—this time for drug possession. *See* Docket No. 13-2 at 4. The better view of the record is that, at least by then, there could be no doubt that Porter’s rights were not fully restored.

For these reasons, the R&R is adopted and this petition is dismissed.

**SO ORDERED**, this the 19th day of November, 2021.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE